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February 13, 2018

VIA CERTIFIED MAIL
Prairie Island Indian Community
Prairie Island Department of Water & Wastewater
5636 Sturgeon Lake Road
Welch, Minnesota 55089

VIA CERTIFIED MAIL
Prairie Island Indian Community
Wastewater Treatment Facility
5626 Sturgeon Lake Road
Welch, Minnesota 55089

**Re: Notice of Violation and Intent to File Suit Under the
Federal Clean Water Act**

Dear Readers:

I am writing on behalf of Clean Water and Air, LLC ("Clean Water and Air") in regard to violations of the Federal Water Pollution Control Act, 33 USC § 1251 et. seq. (the "Clean Water Act" or "CWA"). Clean Water and Air is a Minnesota entity formed for the purpose of working to clean up waterways and fight for clean air by seeking to ensure enforcement of laws like the Federal Clean Water Act and Clean Air Act. The purpose of this letter is to put the owners and operators of the Prairie Island Indian Community Wastewater Treatment Facility ("Prairie Island" or "the Facility"), located on the Prairie Island Reservation, 5626 Surgeon Lake Road, Welch, Minnesota, Goodhue County on notice of Clean Water and Air's intent to file a citizen suit under Section 505 of the Clean Water Act to secure appropriate relief for the ongoing and continuing violations of Prairie Island's National Pollutant Discharge Elimination System ("NPDES") permit No. MN-0061336-5 including, but not necessarily limited to, unlawful discharges of pollutants from the Facility into waters of the United States, which are in turn violations of the Clean Water Act, as described herein. This notice applies to all violations occurring within the five years immediately preceding the service of this notice letter to the full extent contemplated by the standard set forth in *Public Interest Research Group of New Jersey v. Hercules*, 50 F.3d 1239 (3rd Cir. 1995).

The Clean Water Act

Congress enacted the Clean Water Act to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 USC § 1251 (a). To achieve those goals, Section 301(a) of the CWA expressly prohibits the "discharge of any pollutant" where such discharges do not comply with the terms of any applicable NPDES permit. 33 U.S.C. §§ 1311(a), 1342.

“Discharge of a pollutant” means any “addition of a pollutant to navigable waters from any point source.” 33 U.S.C. § 1362(12). Pollutant is defined to include “industrial, municipal, and agricultural waste discharged into water.” 33 U.S.C. § 1362(6). A point source is “any discernable, confined and discrete conveyance,” 33 U.S.C. § 1362(14), and navigable waters are broadly defined as “the waters of the United States.” 33 U.S.C. § 1362(7).

Once regulated by an NPDES permit, discharges must strictly comply with all of the terms and conditions of the permit. 40 C.F.R. § 122.41. Violation of the terms or conditions of and NPDES permit is a violation of the Clean Water Act. *Id.* Once a court has determined that a defendant has violated the CWA, it must impose civil penalties. See e.g. *Atl. States Legal Found., Inc. v. Tyson Foods, Inc.*, 897 F.2d 1128, 1142 (11th Cir. 1990). Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Clean Water Act subjects the violator to a penalty of up to \$32,500 per day per violation for violations between April 20, 2007 and January 12, 2009, \$37,500 per day per violation for all violations after January 12, 2009, \$51,570 per day per violation for all violations after November 2, 2015 and \$52,414 per day per violation for all violations after January 15, 2017. See also, e.g., *Natural Resources Defense Council v. Southwest Marine*, 236 F.3d 985 (9th Cir. 2000) (everyday a facility is operated in violation of its NPDES permit is a separate and distinct violation of the permit and the CWA).

In addition to civil penalties, the CWA provides for appropriate injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), declaratory relief. Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), permits prevailing parties or substantially prevailing parties to recover costs, including attorneys’ and experts’ fees associated with this enforcement action.

CWA Citizen Suit Provision

Section 505 of the CWA authorizes citizens to bring suit against any person who is “alleged to be in violation” of an effluent standard or limitation under the CWA. 33 U.S.C. § 1365(a). Effluent limitation is defined broadly to include “a[n] [NPDES] permit or condition thereof issued under section 1317 of this title,” and “any unlawful act under subsection (a) of 1311 of this title.” 33 U.S.C. § 1365 (f). 33 U.S.C. § 1365(b), requires that 60 days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), citizens must give notice of their intention to sue. Notice must be given to the alleged violator, the Administrator of the United States Environmental Protection Agency (“EPA”), the Regional Administrator of the EPA, the Executive Officer of the water pollution control agency in the state in which the violations are occurring, and, if the alleged violator is a corporation, the registered agent of the corporation. See 40 C.F.R. § 135.2. The purpose of the notice requirement is to allow the parties to negotiate and resolve the dispute before litigation is commenced. *New Mexico Citizens for Clean Air and Water v. Espanola Mercantile Co., Inc.*, 72 F.3d. 830, 833 (10th Cir. 1996).

The Prairie Island Indian Community Wastewater Treatment Facility

Prairie Island is located in southeastern Minnesota along the banks of the Mississippi River, approximately 30 miles from Minneapolis and St. Paul. Prairie Island's wastewater treatment facility operates pursuant to NPDES permit No. MN-0061336-5 and consists of an influent meter, a cylindrical barscreen, a vortex grit chamber and grit classifier, a flow equalization tank, two sequencing batch reactors, chlorinization/dechlorination, backup chemical addition for phosphorus control, effluent pumping station, effluent meter, an aerobic digester/sludge storage tank, and sludge disposal equipment (thickener feed and thickened sludge pumps, rotary drum thickener w/polymer feed unit, WAS tank and thickened sludge tank, bulk chemical storage and blowers). The sludge is applied on cropland within the reservation. In addition, the facility has for use during emergency conditions its original pond treatment system. The facility permit indicates the facility discharges into Sturgeon Lake and effluent exceedances reports indicate the facility discharges into Vermillion River. The facility's design annual average flow is 0.200 mgd and the design maximum monthly flow is 0.3000 mgd. Wastewater is from domestic sources only, including a casino, marina and a motel.

Violations at Issue

NPDES permit holders are required to prepare and submit discharge monitoring reports (DMR's) 40 C.F.R. § 122.41. Facilities report discharges on DMR's, which their implementing authorities record into EPA databases. See e.g., *EPA Technical User Background Document for the Discharge Monitoring Report (DMR) Pollutant Loading Tool*, Version 1.0, January 2012. Courts have repeatedly held that data reported in DMR's constitute admissions by the permittee and are sufficient to conclusively determine that a permit violation has occurred. Courts apply a five-year statute of limitations for Citizens seeking to enforce the Clean Water Act. *Pub. Interest Research Grp. of N.J., Inc. v. Powell Duffryn Terminals, Inc.*, 913 F.2d 64, 75 (3d. Cir. 1990), *cert denied*, 489 U.S. 1109 (1991).

Exhibit A attached hereto includes an image of the facility, Surgeon Lake, the Vermillion River and the Mississippi River; and United States Environmental Protection Agency enforcement and compliance documents including a Detailed Facility Report, and an Effluent Limit Exceedances Report based upon facility DMR's. These documents demonstrate, among other things, as follows:

- The Facility's Current CWA compliance status: in "significant violation";
- The Facility has not been in compliance with the CWA for 12 out of the last 12 quarters, 11 of which have been in significant violation;
- E coli effluent exceedances of as much as 3687% on a given day;
- Suspended solids exceedances of as much as 247% on a given day;
- Chlorine effluent exceedances of as much as 953% on a given day; and
- 768 days with effluent exceedances in the previous five years.

In addition to specific effluent limitations, the Facility's permit also requires that Prairie Island "shall at all times properly operate" the Facility and requires the "operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit." See also 40 C.F.R. § 122.41 (e) ("Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures."). Every day a facility is operated in violation of its NPDES permit is a separate and distinct violation of the permit and the CWA. *Natural Resources Defense Council v. Southwest Marine* (supra).

The violations at issue here are especially significant because the Vermillion is a Mississippi tributary. Both the Vermillion and Mississippi are impaired waters, and the facility is also located in close proximity to camp grounds, hiking trails, miles and miles of heavily used public beaches, heavily used fishing and recreational waters, and residences.

The nature of the contaminants also underscores the significance of the violations here. According to the EPA: E.coli is a type of fecal coliform bacteria commonly found in the intestines and animals and humans; the presence of E. coli in water is a strong indication of recent sewage or animal waste contamination; sewage may contain many types of disease-causing organisms; fecal coliforms are bacteria that are associated with human or animal wastes and their presence is a strong indication of recent sewage or animal waste contamination.

The EPA also advises that E coli can contain a powerful toxin and can cause severe illness. Infection often causes severe bloody diarrhea and abdominal cramps; sometimes the infection causes non-bloody diarrhea. Frequently, no fever is present. In some people, particularly children under 5 years of age and the elderly, the infection can also cause a complication called hemolytic uremic syndrome, in which the red blood cells are destroyed and the kidneys fail. About 2%-7% of infections lead to this complication. In the United States, hemolytic uremic syndrome is the principal cause of acute kidney failure in children, and most cases of hemolytic uremic syndrome are caused by E. coli O157:H7. Hemolytic uremic syndrome is a life-threatening condition usually treated in an intensive care unit. Blood transfusions and kidney dialysis are often required. With intensive care, the death rate for hemolytic uremic syndrome is 3%-5%.

The EPA also advises that chlorine residual, even at low concentrations, is toxic to aquatic life; that all forms of chlorine are highly corrosive and toxic; and that chlorine oxidizes certain types of organic matter in wastewater, creating more hazardous compounds (e.g., trihalomethanes).

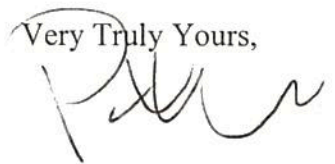
The maximum penalty amount associated with Prairie Island's 768 days with effluent exceedances in the previous five years totals in excess of Twenty-Five Million Dollars (\$25,000,000.00). To the extent it is determined that the Facility was not being operated properly for the past five years, the maximum penalty amount would total well in excess of Fifty Million Dollars (\$50,000,000.00).

Conclusion

Upon expiration of the 60-day notice period, Clean Water and Air intends to file a citizen suit under Section 505(a) of the Clean Water Act for the above-referenced violations, and for any similar violations that occur after the date of this notice letter. In so doing, Clean Air and Water seeks to improve the water quality and safety of Minnesota's waters by securing compliance with applicable law; the maximum penalty available under the law, and appropriate injunctive relief.

During the 60-day notice period, Clean Water and Air is willing to discuss effective remedies for the violations noted in this letter, and actions that might be taken to ensure future compliance with the Clean Water Act. However, if you wish to pursue such discussions in the absence of litigation, we suggest that you initiate those discussions with the undersigned within the next 20 days so that they may be completed before the end of the 60-day notice period. Clean Water and Air does not intend to delay the filing of a complaint in federal court if discussions as to an appropriate resolution continue when that period ends.

If you have information suggesting that one or more of the violations outlined in this notice letter did not occur or is stated incorrectly, please immediately provide that information, specifying the violation in question. The 60-day notice period would also be the appropriate time to inform Clean Water and Air of any steps already taken to remedy the violations discussed in this notice.

Very Truly Yours,

Patrick W. Michenfelder

PWM/tjs
Encl.

cc. Mr. Scott Pruitt (*Environmental Protection Agency Administrator*)
Ms. Cathy Stepp (*EPA Regional Administrator – Region 5*)
Mr. John Line Stine (*Commissioner of MPCA*)
Client

EXHIBIT A

5626 Sturgeon Lake Rd



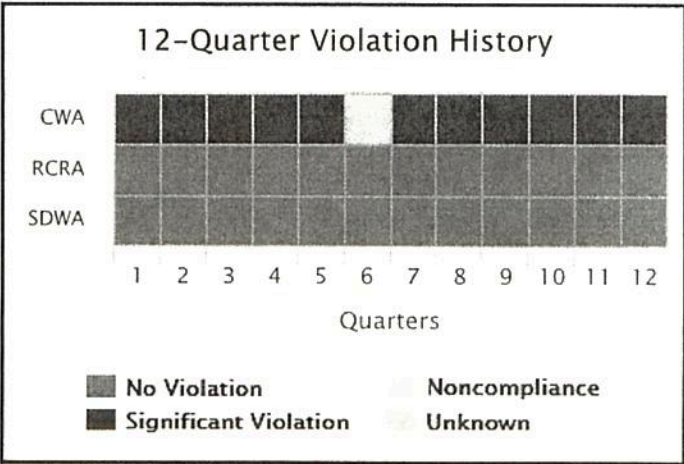
Imagery ©2018 Google, Map data ©2018 Google 5000 ft

Detailed Facility Report

Facility Summary

PRAIRIE ISLAND
WELCH, MN 55089 ⓘ

FRS (Facility Registry Service) ID: 110008816148
EPA Region: 05
Latitude: 44.62945
Longitude: -92.648139
Locational Data Source: FRS
Industry: Executive, Legislative, and Other General
Government Support
Indian Country: Y



Enforcement and Compliance Summary ⓘ

Statute	CWA
Insp (5 Years)	1
Date of Last Inspection	09/19/2017
Current Compliance Status	Significant Violation
Qtrs in NC (of 12)	12
Qtrs in Significant Violation	11
Informal Enforcement Actions (5 years)	--
Formal Enforcement Actions (5 years)	--
Penalties from Formal Enforcement Actions (5 years)	--
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--

Statute	RCRA
Insp (5 Years)	--
Date of Last Inspection	01/09/2003
Current Compliance Status	No Violation
Qtrs in NC (of 12)	0
Qtrs in Significant Violation	0
Informal Enforcement Actions (5 years)	--
Formal Enforcement Actions (5 years)	--
Penalties from Formal Enforcement Actions (5 years)	--
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--
Statute	SDWA
Insp (5 Years)	--
Date of Last Inspection	--
Current Compliance Status	No Violation
Qtrs in NC (of 12)	0
Qtrs in Significant Violation	0
Informal Enforcement Actions (5 years)	--
Formal Enforcement Actions (5 years)	--
Penalties from Formal Enforcement Actions (5 years)	--
EPA Cases (5 years)	--
Penalties from EPA Cases (5 years)	--

Related Reports

- ☐ CWA Pollutant Loading Report
☐ CWA Effluent Charts
☒ CWA Effluent Limit Exceedances Report
[View Envirofacts Reports](#)

Regulatory Information

Clean Air Act (CAA): No Information
 Clean Water Act (CWA): Minor, Permit Effective (MN0061336)
 Resource Conservation and Recovery Act (RCRA): Active (H) CESQG (MNR000063776)
 Safe Drinking Water Act (SDWA): OWNER: Native American SOURCE: Ground water TYPE: Community water system, Permit Active (055294502)

Other Regulatory Reports

Air Emissions Inventory (EIS): No Information
 Greenhouse Gas Emissions (eGGRT): No Information
 Toxic Releases (TRI): No Information
 Compliance and Emissions Data Reporting Interface (CEDRI): No Information

Facility/System Characteristics

Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110008816148					Y	44.62945	-92.618139
ICP	CWA	MN0061336	Minor: NPDES Individual Permit	Effective		07/17/2021	Y	44.629559	-92.660322
RCR	RCRA	MNR000063776	CESQG	Active (H)			N	44.629417	-92.663307
SDWIS	SDWA	055294502	OWNER: Native American SOURCE: Ground water TYPE: Community water system	Active	Population Served: 5728		Y		

Facility Address

System	Statute	Identifier	Facility Name	Facility Address
FRS		110008816148	PRAIRIE ISLAND	5636 STURGEON LAKE ROAD, WELCH, MN 55089
ICP	CWA	MN0061336	PRAIRIE ISLAND	COMMUNITY COUNCIL, WELCH, MN 55089
RCR	RCRA	MNR000063776	PRAIRIE ISLAND INDIAN COMMUNITY	5636 STURGEON LAKE RD, WELCH, MN 55089
SDWIS	SDWA	055294502	PRAIRIE ISLAND	MN

Facility SIC (Standard Industrial Classification) Codes

System	Identifier	SIC Code	SIC Desc
No data records returned			

Facility NAICS (North American Industry Classification System) Codes

System	Identifier	NAICS Code	NAICS Description
RCR	MNR000063776	92115	American Indian and Alaska Native Tribal Governments

Facility Tribe Information

Reservation Name	Tribe Name	EPA Tribal ID	Distance to Tribe (miles)
Prairie Island Indian Community	Prairie Island Indian Community in the State of Minnesota	100000211	0
Prairie Island Off-Reservation Trust Land	Prairie Island Indian Community in the State of Minnesota	100000211	.36

Enforcement and Compliance

Compliance Monitoring History (5 years)

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
CWA	MN0061336	ICP	Evaluation	EPA	09/19/2017	
<i>SDWA</i>	<i>055294502</i>	<i>SDWIS</i>	<i>Operation and Maintenance</i>	<i>EPA</i>	<i>04/13/2017</i>	
<i>SDWA</i>	<i>055294502</i>	<i>SDWIS</i>	<i>Sanitary Survey, Complete</i>	<i>EPA</i>	<i>07/19/2016</i>	
<i>SDWA</i>	<i>055294502</i>	<i>SDWIS</i>	<i>Sanitary Survey, Complete</i>	<i>EPA</i>	<i>07/22/2014</i>	

Entries in italics are not considered inspections in official counts.

SDWA (Safe Drinking Water Act) Sanitary Survey Results (5 Years)

Date	Type	Agency	Data Verification	Distribution	Management Operation	Finished Water Storage	Sanitary Survey Results Operator Compliance	Other Evaluation	Pumps	Security	Source	Financial	Treatment
SDWA (Source ID: 055294502)													
07/19/2016	Sanitary Survey, Complete	Region	N	N	N	S	N	R	N	N	N	N	N
07/22/2014	Sanitary Survey, Complete	Region	N	N	N	N	N	R	N	N	N	N	N

Sanitary survey result codes: S=Significant Deficiencies R=Recommendations Made X=Not Evaluated --=Not Reported to EPA
M=Minor Deficiencies N=No Deficiencies or Recommendations Z=Not Applicable

Compliance Summary Data

Statute	Source ID	Current SNC (Significant Noncompliance) HPV (High Priority Violation)	Description	Current As Of	Qtrs in NC (Noncompliance) (of 12)
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Statute	Source ID	Current SNC (Significant Noncompliance) /HPV (High Priority Violation)	Description	Current As Of	Qtrs in NC (Noncompliance) (of 12)
CWA	MN0061336	Yes		09/30/2017	11
RCRA	MNR000063776	No		02/03/2018	0
SDWA	055294502	No		09/30/2017	0

Three Year Compliance Status by Quarter

Statute	Program/Pollutant/Violation Type			QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10
	CWA (Source ID: MN0061336)			10/01-12/31/14	01/01-03/31/15	04/01-06/30/15	07/01-09/30/15	10/01-12/31/15	01/01-03/31/16	04/01-06/30/16	07/01-09/30/16	10/01-12/31/16	01/01-03/31/17
	Facility-Level Status			SNC Cat 1	SNC Cat 1	SNC Cat 1	SNC Cat 1	SNC Cat 1	Unk	SNC Cat 1	SNC Cat 1	SNC Cat 1	SNC Cat 1
	SNC (Significant Non-compliance)/RNC (Reportable Non-Compliance) History			E(EnrViol)	X(EnrNMth)	X(EnrNMth)	X(EnrNMth)	X(EnrNMth)	W(N/A)	X(EnrNMth)	X(EnrNMth)	X(EnrNMth)	X(EnrNMth)
	Pollutant	Disch Point	Freq										
CWA	Chlorine, total residual	001	NMth	611%	321%	163%	400%	189%	347%	321%	953%	347%	111%
CWA	E. coli	001	NMth	2%		65%			1985%	2607%			
CWA	Phosphorus, total [as P]	001	Mthly	176%			21%		25%		38%		
CWA	Solids, suspended percent removal	001	Neither	20%			33%		247%	93%	67%	100%	133%
CWA	Solids, total suspended	001	Mthly						16%				
	Permit Schedule Violations												
CWA	Schedule Event unachieved and not reported: Status Progress Report												01-31-17
	Single Event Violations	NPDES Violation ID	Agency										

Statute	Program/Pollutant/Violation Type			QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10
CWA	Effluent Violations - Narrative Effluent Violation	3630968458	EPA										
CWA	Management Practice Violations - Failure to Maintain Records	3630968460	EPA										
CWA	Management Practice Violations - Improper Operation and Maintenance	3630968459	EPA										
CWA	Monitoring Violations - Invalid/Unrepresentative Sample	3630968461	EPA										
CWA	Reporting Violations - Improper/ Incorrect Reporting	3630968462	EPA										

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12
RCRA (Source ID: MNR000063776)		04/01-06/30/15	07/01-09/30/15	10/01-12/31/15	01/01-03/31/16	04/01-06/30/16	07/01-09/30/16	10/01-12/31/16	01/01-03/31/17	04/01-06/30/17	07/01-09/30/17	10/01-12/31/17	01/01-03/31/18
RCRA	Facility-Level Status												
SDWA (Source ID: 055294502)		10/01-12/31/14	01/01-03/31/15	04/01-06/30/15	07/01-09/30/15	10/01-12/31/15	01/01-03/31/16	04/01-06/30/16	07/01-09/30/16	10/01-12/31/16	01/01-03/31/17	04/01-06/30/17	07/01-09/30/17
SDWA	Facility-Level Status	No Violation	No Violation	No Violation	No Violation	No Violation	No Violation	No Violation	No Violation	No Violation	No Violation	No Violation	Undetermined

*Quarter 13 data is voluntarily entered and/or incomplete, and may not form a complete picture for that quarter. [Read more](#)

Informal Enforcement Actions (5 Years)

Statute	System	Source ID	Type of Action	Lead Agency	Date
No data records returned					

Formal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description
No data records returned						

SDWA (Safe Drinking Water Act) Violations and Enforcement Actions (5 Years)

Source ID	Compliance Period	Violation ID	Federal Rule	Contaminant	Category	Description	Violations Measured Value	State MCL (Maximum Contaminant Level)	Federal MCL (Maximum Contaminant Level)	Status	Date	Category	Description	Agency
No data records returned														

ICIS (Integrated Compliance Information System) Case History (5 years)

Primary Law/Section	Case No.	Case Type	Lead Agency	Case Name	Issued/Filed Date	Latest Settlement Entered Date	Number of Settlements	Federal Penalty	State/Local Penalty	SEP (Supplemental Environmental Project) Cost	Comp Action Cost
No data records returned											

Environmental Conditions

Water Quality

Permit ID	Combined Sewer System?	Number of CSO (Combined Sewer Overflow) Outfalls	12-Digit WBD (Watershed Boundary Dataset) HUC (RAD (Reach Address Database))	WBD (Watershed Boundary Dataset) Subwatershed Name (RAD (Reach Address Database))	State Waterbody Name (ICIS Integrated Compliance Information System)	Impaired Waters	Impaired Class	Causes of Impairment(s) by Group(s) (Endangered Species Act)-listed Aquatic Species?	Watershed with ESA
MN0061336			070400010210	Vermillion River	STURGEON LAKE	No		MERCURY POLYCHLORINATED BIPHENYLS (PCBS) TURBIDITY	Yes

Waterbody Designated Uses

Reach Code	Waterbody Name	Exceptional Use	Recreational Use	Aquatic Life Use	Shellfish Use	Beach Closure Within Last Year	Beach Closure Within Last Two Years
07040001004086	Vermillion River	No	No	Yes	No	No	No

Air Quality

Nonattainment Area?	Pollutant(s)	Applicable Nonattainment Standard(s)
No	Ozone	
No	Lead	
No	Particulate Matter	
No	Sulfur Dioxide	

Pollutants

Toxics Release Inventory History of Reported Chemicals Released in Pounds per Year at Site ⓘ

TRI Facility ID	Year	Total Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs (Publicly Owned Treatment Works)	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Releases
No data records returned								

Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year ⓘ

Chemical Name

No data records returned

SDWA (Safe Drinking Water Act) Lead and Copper (Last 5 years)

Source ID	Contaminant	Sample Dates	90th Percentile Sample Concentrations	Action Level	Number of Open Health-Based Violations
No data records returned					

Demographic Profile**Demographic Profile of Surrounding Area (3 Miles)**

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 US Census and American Community Survey data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA Locational Reference Table (LRT) when available.

Radius of Area:	3	Land Area:	76%	Households in Area:	280
Center Latitude:	44.62945	Water Area:	24%	Housing Units in Area:	308
Center Longitude:	-92.648139	Population Density:	32/sq.mi.	Households on Public Assistance:	4
Total Persons:	692	Percent Minority:	29%	Persons Below Poverty Level:	201
Race Breakdown		Persons (%)	Age Breakdown		Persons (%)
White:		494 (71%)	Child 5 years and younger:		42 (6%)
African-American:		0 (0%)	Minors 17 years and younger:		158 (23%)
Hispanic-Origin:		24 (3%)	Adults 18 years and older:		534 (77%)
Asian/Pacific Islander:		5 (1%)	Seniors 65 years and older:		99 (14%)
American Indian:		162 (23%)			
Other/Multiracial:		31 (4%)			
Education Level (Persons 25 & older)		Persons (%)	Income Breakdown		Households (%)
Less than 9th Grade:		6 (1.17%)	Less than \$15,000:		14 (5.04%)
9th through 12th Grade:		19 (3.72%)	\$15,000 - \$25,000:		51 (18.35%)
High School Diploma:		197 (38.55%)	\$25,000 - \$50,000:		37 (13.31%)
Some College/2-yr:		166 (32.49%)	\$50,000 - \$75,000:		59 (21.22%)
B.S./B.A. or More:		123 (24.07%)	Greater than \$75,000:		117 (42.09%)

View: [Mobile](#) | [Full Site](#)



Effluent Limit Exceedances Report

PRAIRIE ISLAND, WELCH, MN, 55089-9635

Facility Information

NPDES (National Pollutant Discharge Elimination System) ID: MN0061336
 FRS (Facility Registry Service) ID: 110008816148
 Other NPDES (National Pollutant Discharge Elimination System) IDs associated with this FRS (Facility Registry Service) ID: None
 TRI (Toxics Release Inventory) ID(s): None
 Major/Minor Indicator: Minor
 Facility Type: NON-POTW
 Latitude: 44.62945
 Longitude: -92.648139
 4-Digit SIC (Standard Industrial Classification) Code: --
 6-Digit NAICS (North American Industry Classification System) Code: --

Receiving Watershed Information

Waterbody Name (from GNIS): Vermillion River
 Watershed Name and Number (12-Digit HUC): Vermillion River (070400010210)
 Listed for Impairment: Yes
 Impairment Class: Not provided.

Permit Information

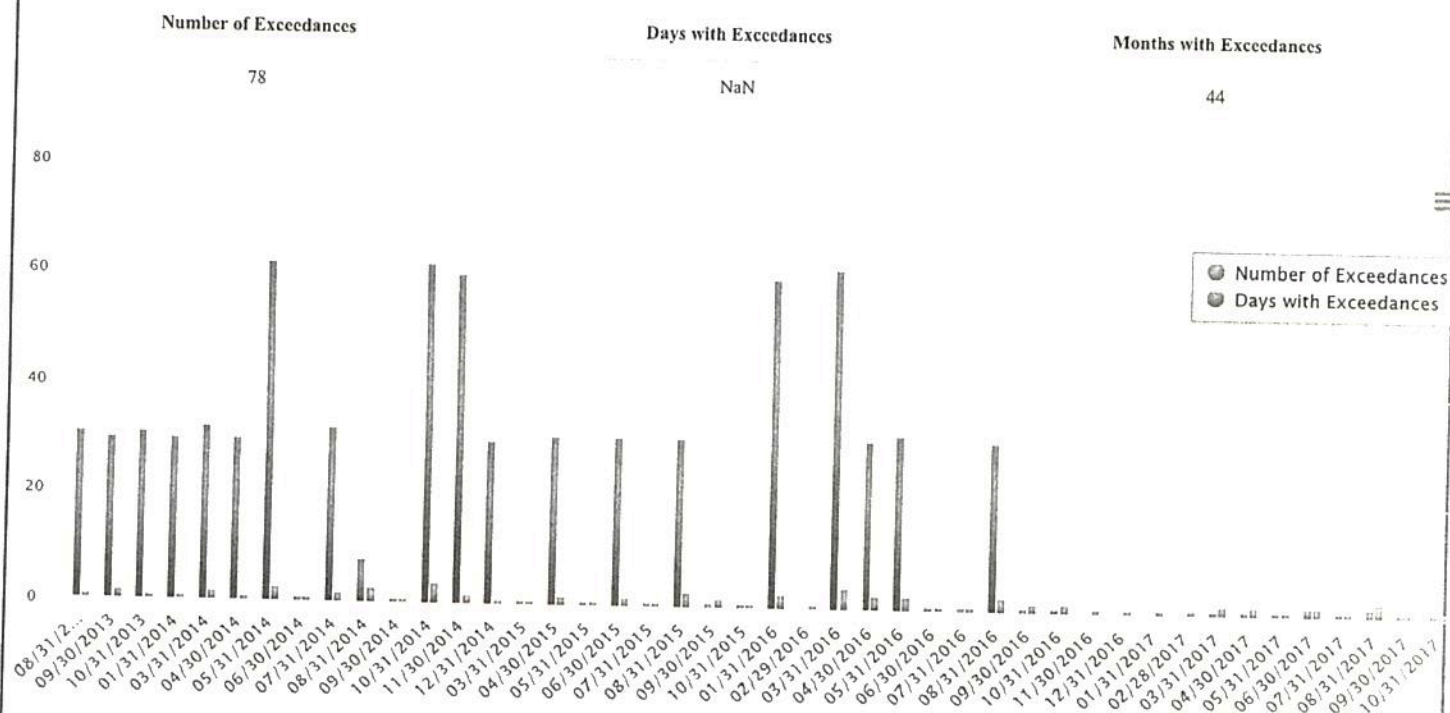
Permit Status: Effective
 Permit Issuance: EPA REGION 05
 Original Issue Date: 10/28/1992
 Last Issue Date: 07/25/2016
 Permit Effective Date: 07/25/2016
 Permit Expiration Date: 07/17/2021
 DMR Signer: --
 Approved Pretreatment Program: N/A
 Combined Sewer Overflow (CSO) Outfall: N/A

Enforcement Information

Last Formal Enforcement Action: --
 Civil Enforcement Case Number: --
 DOJ/Court Docket Number: --
 Type Description: --

Adjust Date Range: Feb. 2013 → Feb. 2018

Total Exceedance Counts



Exceedance Counts by Pollutant

Parameter Code	Description	Limit Type	Contains Potential Outliers?	Number of Exceedances	Days with Exceedances
00530	Solids, total suspended	30DA AVG		2	60
00530	Solids, total suspended	7 DA AVG		1	7
00665	Phosphorus, total (as P)	30DA AVG		9	270
00665	Phosphorus, total (as P)	MO AVG		1	30
50060	Chlorine, total residual	DAILY MX		31	31
51040	E. coli	30DA GM		12	368
51040	E. coli	DAILY MX		2	2
81011	Solids, suspended percent removal	MN % RMV		20	--

Exceedance Details

Date	Outfall	Parameter	Average Daily Flow (MGD)	Limit Type	DMR Value	Limit Value	Percent Exceedance	Load over Limit (lb/period)	Days per Period	Days with Exceedances
08/31/2013	001	51040 - E. coli	0.1860	30DA GM	330 #/100mL	126 #/100mL	162	9,817	31	31
09/30/2013	001	00665 - Phosphorus, total (as P)	--	30DA AVG	0.8600 mg/L	0.8000 mg/L	8	--	30	30
09/30/2013	001	81011 - Solids, suspended percent removal	--	MN % RMV	80 %	85 %	33	--	30	--
10/31/2013	001	51040 - E. coli	0.1570	30DA GM	154 #/100mL	126 #/100mL	22	1,137	31	31
01/31/2014	001	00665 - Phosphorus, total (as P)	--	30DA AVG	1.33 mg/L	0.8000 mg/L	66	--	31	30
03/31/2014	001	50060 - Chlorine, total residual	0.1830	DAILY MX	0.0600 mg/L	0.0380 mg/L	58	1.04	31	1
03/31/2014	001	51040 - E. coli	0.1830	30DA GM	453 #/100mL	126 #/100mL	260	15,482	31	31
04/30/2014	001	51040 - E. coli	0.1680	30DA GM	858 #/100mL	126 #/100mL	581	30,790	30	30
05/31/2014	001	00665 - Phosphorus, total (as P)	--	30DA AVG	0.9800 mg/L	0.8000 mg/L	23	--	31	30
05/31/2014	001	50060 - Chlorine, total residual	0.1510	DAILY MX	0.3100 mg/L	0.0380 mg/L	716	10.63	31	1
05/31/2014	001	51040 - E. coli	0.1510	30DA GM	4,771 #/100mL	126 #/100mL	3,687	181,467	31	31
06/30/2014	001	50060 - Chlorine, total residual	0.1740	DAILY MX	0.4700 mg/L	0.0380 mg/L	1,137	18.82	30	1
07/31/2014	001	50060 - Chlorine, total residual	0.1910	DAILY MX	0.0500 mg/L	0.0380 mg/L	32	0.5930	31	1

Date	Outfall	Parameter	Average Daily Flow (MGD)	Limit Type	DMR Value	Limit Value	Percent Exceedance	Load over Limit (lb/period)	Days per Period	Days with Exceedances
07/31/2014	001	51040 - E. coli	0.1910	30DA GM	143 #/100mL	126 #/100mL	13	840	31	31
08/31/2014	001	00530 - Solids, total suspended	--	7 DA AVG	64 mg/L	45 mg/L	42	--	31	7
08/31/2014	001	50060 - Chlorine, total residual	0.1660	DAILY MX	0.2000 mg/L	0.0380 mg/L	426	6.96	31	1
08/31/2014	001	81011 - Solids, suspended percent removal	--	MN % RMV	41 %	85 %	293	--	31	--
09/30/2014	001	50060 - Chlorine, total residual	0.1650	DAILY MX	0.1400 mg/L	0.0380 mg/L	268	4.21	30	1
10/31/2014	001	00665 - Phosphorus, total (as P)	--	30DA AVG	1.24 mg/L	0.8000 mg/L	55	--	31	30
10/31/2014	001	50060 - Chlorine, total residual	0.1430	DAILY MX	0.2700 mg/L	0.0380 mg/L	611	8.58	31	1
10/31/2014	001	51040 - E. coli	0.1430	30DA GM	128 #/100mL	126 #/100mL	2	73.99	31	31
10/31/2014	001	81011 - Solids, suspended percent removal	--	MN % RMV	82 %	85 %	20	--	31	--
11/30/2014	001	00665 - Phosphorus, total (as P)	--	30DA AVG	2.21 mg/L	0.8000 mg/L	176	--	30	30
11/30/2014	001	00665 - Phosphorus, total (as P)	0.1240	30DA AVG	1.10 kg/d	0.9100 kg/d	21	12.57	30	30
12/31/2014	001	00665 - Phosphorus, total (as P)	--	30DA AVG	0.9400 mg/L	0.8000 mg/L	18	--	31	30
03/31/2015	001	50060 - Chlorine, total residual	0.1280	DAILY MX	0.1600 mg/L	0.0380 mg/L	321	4.04	31	1
04/30/2015	001	50060 - Chlorine, total residual	0.1270	DAILY MX	0.0600 mg/L	0.0380 mg/L	58	0.6996	30	1
04/30/2015	001	51040 - E. coli	0.1270	30DA GM	172 #/100mL	126 #/100mL	37	1,463	30	30
05/31/2015	001	50060 - Chlorine, total residual	0.1340	DAILY MX	0.0600 mg/L	0.0380 mg/L	58	0.7627	31	1
06/30/2015	001	50060 - Chlorine, total residual	0.1500	DAILY MX	0.1000 mg/L	0.0380 mg/L	163	2.33	30	1
06/30/2015	001	51040 - E. coli	0.1500	30DA GM	208 #/100mL	126 #/100mL	65	3,072	30	30
07/31/2015	001	50060 - Chlorine, total residual	0.1550	DAILY MX	0.1200 mg/L	0.0380 mg/L	216	3.29	31	1

Date	Outfall	Parameter	Average Daily Flow (MGD)	Limit Type	DMR Value	Limit Value	Percent Exceedance	Load over Limit (lb/period)	Days per Period	Days with Exceedances
08/31/2015	001	00665 - Phosphorus, total (as P)	--	30DA AVG	0.9700 mg/L	0.8000 mg/L	21	--	31	30
08/31/2015	001	50060 - Chlorine, total residual	0.1560	DAILY MX	0.1900 mg/L	0.0380 mg/L	400	6.13	31	1
08/31/2015	001	81011 - Solids, suspended percent removal	--	MN % RMV	80 %	85 %	33	--	31	--
09/30/2015	001	50060 - Chlorine, total residual	0.1530	DAILY MX	0.1200 mg/L	0.0380 mg/L	216	3.14	30	1
09/30/2015	001	81011 - Solids, suspended percent removal	--	MN % RMV	80 %	85 %	33	--	30	--
10/31/2015	001	50060 - Chlorine, total residual	0.1380	DAILY MX	0.1100 mg/L	0.0380 mg/L	189	2.57	31	1
01/31/2016	001	00530 - Solids, total suspended	--	30DA AVG	34.80 mg/L	30 mg/L	16	--	31	30
01/31/2016	001	00665 - Phosphorus, total (as P)	--	30DA AVG	1 mg/L	0.8000 mg/L	25	--	31	30
01/31/2016	001	81011 - Solids, suspended percent removal	--	MN % RMV	48 %	85 %	247	--	31	--
02/29/2016	001	81011 - Solids, suspended percent removal	--	MN % RMV	66 %	85 %	127	--	28	--
03/31/2016	001	00530 - Solids, total suspended	--	30DA AVG	30.60 mg/L	30 mg/L	2	--	31	30
03/31/2016	001	50060 - Chlorine, total residual	0.1470	DAILY MX	0.1700 mg/L	0.0380 mg/L	347	5.02	31	1
03/31/2016	001	51040 - E. coli	0.1470	30DA GM	2,627 #/100mL	126 #/100mL	1,985	95,119	31	31
03/31/2016	001	81011 - Solids, suspended percent removal	--	MN % RMV	54 %	85 %	207	--	31	--
04/30/2016	001	50060 - Chlorine, total residual	0.1450	DAILY MX	0.1600 mg/L	0.0380 mg/L	321	4.43	30	1
04/30/2016	001	51040 - E. coli	0.1450	30DA GM	3,411 #/100mL	126 #/100mL	2,607	119,254	30	30

Date	Outfall	Parameter	Average Daily Flow (MGD)	Limit Type	DMR Value	Limit Value	Percent Exceedance	Load over Limit (lb/period)	Days per Period	Days with Exceedances
04/30/2016	001	81011 - Solids, suspended percent removal	--	MN % RMV	71 %	85 %	93	--	30	--
05/31/2016	001	50060 - Chlorine, total residual	0.1580	DAILY MX	0.1200 mg/L	0.0380 mg/L	216	3.35	31	1
05/31/2016	001	51040 - E. coli	0.1580	30DA GM	1,267 #/100mL	126 #/100mL	906	46,642	31	31
05/31/2016	001	81011 - Solids, suspended percent removal	--	MN % RMV	74 %	85 %	73	--	31	--
06/30/2016	001	50060 - Chlorine, total residual	0.1740	DAILY MX	0.0700 mg/L	0.0380 mg/L	84	1.39	30	1
07/31/2016	001	50060 - Chlorine, total residual	0.1920	DAILY MX	0.4000 mg/L	0.0380 mg/L	953	17.98	31	1
08/31/2016	001	00665 - Phosphorus, total (as P)	--	MO AVG	1.10 mg/L	0.8000 mg/L	38	--	31	30
08/31/2016	001	50060 - Chlorine, total residual	0.1800	DAILY MX	0.0600 mg/L	0.0380 mg/L	58	1.02	31	1
08/31/2016	001	81011 - Solids, suspended percent removal	--	MN % RMV	83 %	85 %	13	--	31	--
09/30/2016	001	50060 - Chlorine, total residual	0.1620	DAILY MX	0.1200 mg/L	0.0380 mg/L	216	3.33	30	1
09/30/2016	001	81011 - Solids, suspended percent removal	--	MN % RMV	75 %	85 %	67	--	30	--
10/31/2016	001	50060 - Chlorine, total residual	0.1400	DAILY MX	0.1700 mg/L	0.0380 mg/L	347	4.78	31	1
10/31/2016	001	81011 - Solids, suspended percent removal	--	MN % RMV	76 %	85 %	60	--	31	--
11/30/2016	001	81011 - Solids, suspended percent removal	--	MN % RMV	70 %	85 %	100	--	30	--
12/31/2016	001	81011 - Solids, suspended percent removal	--	MN % RMV	81 %	85 %	27	--	31	--

Date	Outfall	Parameter	Average Daily Flow (MGD)	Limit Type	DMR Value	Limit Value	Percent Exceedance	Load over Limit (lb/period)	Days per Period	Days with Exceedances
01/31/2017	001	81011 - Solids, suspended percent removal	--	MN % RMV	68 %	85 %	113	--	31	--
02/28/2017	001	81011 - Solids, suspended percent removal	--	MN % RMV	68 %	85 %	113	--	28	--
03/31/2017	001	50060 - Chlorine, total residual	0.1430	DAILY MX	0.0800 mg/L	0.0380 mg/L	111	1.55	31	1
03/31/2017	001	81011 - Solids, suspended percent removal	--	MN % RMV	65 %	85 %	133	--	31	--
04/30/2017	001	50060 - Chlorine, total residual	0.1540	DAILY MX	0.2600 mg/L	0.0380 mg/L	584	8.56	30	1
04/30/2017	001	81011 - Solids, suspended percent removal	--	MN % RMV	79 %	85 %	40	--	30	--
05/31/2017	001	50060 - Chlorine, total residual	0.1680	DAILY MX	0.2200 mg/L	0.0380 mg/L	479	7.91	31	1
06/30/2017	001	50060 - Chlorine, total residual	0.1850	DAILY MX	0.1700 mg/L	0.0380 mg/L	347	6.11	30	1
06/30/2017	001	51040 - E. coli	--	DAILY MX	2,420 #/100mL	410 #/100mL	490	--	30	1
07/31/2017	001	50060 - Chlorine, total residual	0.2150	DAILY MX	0.2200 mg/L	0.0380 mg/L	479	10.12	31	1
08/31/2017	001	50060 - Chlorine, total residual	0.1950	DAILY MX	0.0900 mg/L	0.0380 mg/L	137	2.62	31	1
08/31/2017	001	51040 - E. coli	--	DAILY MX	2,420 #/100mL	410 #/100mL	490	--	31	1
08/31/2017	001	81011 - Solids, suspended percent removal	--	MN % RMV	83 %	85 %	13	--	31	--
09/30/2017	001	50060 - Chlorine, total residual	0.1890	DAILY MX	0.1200 mg/L	0.0380 mg/L	216	3.88	30	1
10/31/2017	001	50060 - Chlorine, total residual	0.1470	DAILY MX	0.1100 mg/L	0.0380 mg/L	189	2.74	31	1